IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16505 of 2004

Between:

S.B. Net Work Marketing Services Pvt LTd., Flat No. 104, 5th floor, Pioneer Chambers, Hyderguda Main Road Hyderabad, rep by Managing Director, G. Brahmaji Rao, s/o Veerabhadra Rao R/o Mallina Nagar, Tilak Road, Rajahmundry, E.G. District

..... PETITIONER

AND

1 Director General of Police, Hyderabad
2 Deputy Superintendent of Police, Rajahmundry, E.G. District
3 SHO., II Town Police Station, Rajahmundry, E.G. District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issued a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the respondents in harassing the petitioner company and interfering in their lawful business and having retained the belongings of the petitioner without there being any complaint is wholly illegal, arbitrary and violative of principles of natural justice and against the fundamental rights guaranteed under constitution of india and for a consequential order directing the respondents not to interfere with the day to day lawful business in multilevel marketing of the petitioner.

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following ORDER:

The petitioner who claims to be the Managing Director of S.B. Net Work Marketing Services Private Limited, which is registered under Companies Act 1956, filed this writ petition seeking a declaration that the alleged action of the respondents in interfering with the lawful business activity of the petitioner, as arbitrary and illegal.

In the affidavit filed in support of the writ petition it is stated that on 04-09-2004, while a meeting was being held by the Directors of the company, in which the Marketing General Manager and others have also participated, the personnel of the third respondent-Station House Officer, II Town Police Station, Rajahmundry, came to the meeting place and highhandedly took away the petitioner and the Marketing Manager to the police station and detained them till evening without there being any complaint. It is alleged that the third respondent, at the instance of the second respondent-Deputy Superintendent of Police, Rajahmundry, has been interfering with the business activity of the petitioner, though no crime is registered against them in connection with any offence. It is also alleged that again on 6th and 7th of September, 2004, the third respondent summoned the petitioner to the Police Station and they are being prevented from launching a new scheme, proposed to be commenced on 20-09-2004. Hence, this writ petition.

On behalf of the respondents, Sub-Inspector of Police, II Town Police Station, Rajahmundry, East Godavari District filed counter-affidavit, denying all the allegations made by the petitioner and stating that the petitioner was not summoned by the third respondent on the evening of 6th and 7th of September 2004 and that the respondents have nothing to do with the business of the petitioner and that at no point of time, they approached the Company of the petitioner. It is also stated that the

allegation that they retained the executive bags containing relevant papers and Reliance Cell Phone of Marketing Executives of the Company is false and that the Police never harassed the Directors of the petitioner's company and its members. It is further stated that no complaint has been received from any corner about the activity of the petitioner's Unit and there is no threat from the Police to it and its members.

In view of the averments in the counter affidavit filed by the respondents, denying all the allegations made by the petitioner, no further adjudication is necessary in this writ petition.

Accordingly, recording the statement of the respondents in their counter affidavit, the writ petition is disposed of. No costs.

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17-11-2004

kdl

To

1 Director General of Police, Hyderabad
2 Deputy Superintendent of Police, Rajahmundry, E.G. District
3 SHO., II Town Police Station, Rajahmundry, E.G. District

4 Two C.Cs. to the Government Pleader for Home, High Court Buildings, A.P., Hyderabad (OUT).

5 Two C.D. Copies.